

MAR 02 1995

HOWARD HANSON  
MARIN COUNTY CLERK  
BY: E. Keswick Deputy

Gerald Armstrong  
In Propria Persona  
715 Sir Francis Drake Boulevard  
San Anselmo, CA 94960  
(415)456-8450

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF MARIN

CHURCH OF SCIENTOLOGY INTERNATIONAL, )  
a California not-for-profit )  
religious corporation, )  
  
Plaintiff, )  
  
vs. )  
  
GERALD ARMSTRONG; MICHAEL WALTON; )  
THE GERALD ARMSTRONG CORPORATION )  
a California for-profit )  
corporation; DOES 1 through 100, )  
inclusive, )  
  
Defendants. )

No. 157 680

**ARMSTRONG'S OPPOSITION  
TO SCIENTOLOGY'S MOTION  
FOR PROTECTIVE ORDER  
AND SANCTIONS RE  
SPECIALLY PREPARED  
INTERROGATORIES**

Date: 3/9/95  
Time: 10:00 a.m.  
Dept: Referee  
Trial Date: 5/18/95

Defendant Gerald Armstrong opposes Scientology's motion for a protective order and requests sanctions against Scientology and its attorneys because its motion is based on untruths and seeks to deny Armstrong legitimate discovery into matters of great importance in this case, and for these reasons is brought in bad faith.

**STATEMENT OF FACTS**

This litigation concerns Scientology's efforts to enforce a settlement agreement against Armstrong for alleged breaches. The agreement was obtained by Scientology in December, 1986 by the framing and compromise of Armstrong's then attorney Michael J.

1 Flynn, and by direct duress and fraud. Scientology promised to  
2 discontinue fair game against Flynn, Armstrong and some twenty  
3 other victims of Scientology attacks also represented by Flynn.  
4 See, e.g., Declaration of Gerald Armstrong in Opposition to  
5 Motion for Protective Order (Armstrong Decl.) Ex. 2, ¶¶ 2-12.  
6

7 Armstrong attempted to live by the spirit of settlement, did  
8 not speak out against Scientology, and did not take any action to  
9 oppose it in any court for more than three years. Scientology  
10 meanwhile, from the day of the settlement, continued its fair  
11 game attack on Armstrong in the media, in courts in which his  
12 knowledge and testimony had been introduced, and to its own  
13 members, with lies and "Black Propaganda." Finally it became  
14 intolerable, evil and dangerous to Armstrong to allow Scientology  
15 to use the agreement to obstruct justice, and to threaten  
16 Armstrong into abetting such obstruction by not answering  
17 Scientology's attacks. (Armstrong Decl. Ex. 1, ¶¶ 1-54, Ex. 2,  
18 Ex. 3)

19 A central theme of Scientology's attack on Armstrong has  
20 been, since 1985, that he attempted to take over the  
21 organization, planned to plant forged documents in organization  
22 files and orchestrate a raid by law enforcement based on these  
23 forged documents, that Scientology uncovered this plot, and  
24 exposed it in a "police-sanctioned" sting operation. None of  
25 these things are true. Armstrong has never wanted to take over  
26 Scientology, never planned to plant forged documents in  
27 organization files, and never planned to orchestrate a government  
28

1 raid based on such documents or on any other basis. Scientology  
2 never uncovered any plot, but set up the whole operation with its  
3 intelligence bureau personnel and outside private investigators.  
4 The involvement of a corrupted Los Angeles Police Department  
5 officer, who was allegedly paid \$10,000 for providing a phony and  
6 illegal authorization to wiretap and covertly videotape Armstrong  
7 and his lawyer was denounced by the Chief of the LAPD.

8 (Armstrong Decl. Ex. 6)

9  
10 Scientology has continued to this day, despite its charges  
11 that Armstrong was involved in its concocted "plot" being  
12 disproved over and over, to attack Armstrong, pursuant to its  
13 "black propaganda" policies which call for the assassination of  
14 targeted enemies' reputations. Scientology supreme leader David  
15 Miscavige has published post-settlement statements along this  
16 attack line (Armstrong Decl. Ex. 7, and filed at least one  
17 declaration on the subject. (Armstrong Decl. Ex.5) Armstrong's  
18 response to Miscavige, for which Scientology claims \$50,000 in  
19 liquidated damages, provides the truth behind Miscavige's lies.

20 (Armstrong Decl. Ex. 6) Scientology agents, including plaintiff  
21 director Michael Rinder, provided documents concerning its  
22 intelligence operation to members of the media including the  
23 London Sunday Times, Los Angeles Times, Premiere magazine, Los  
24 Angeles magazine, American Lawyer and California Lawyer.

25 (Armstrong Decl. ¶12.

26 In response to Armstrong's production demand in the  
27 "fraudulent conveyance" case (Marin SC No. 157680) Scientology  
28

1 produced a number of "dead agent" packs concerning him. Each  
2 pack consists of a black propaganda attack written by Scientology  
3 organization personnel and an attachment of a number of documents  
4 all referred to in the body of the black propaganda piece.

5 (Armstrong Decl. Ex. 7) Scientology states that it prepared each  
6 of these "dead agent" packs and distributed to various entities.

7 (Motion at 1:25-2:1)

8 The only human reason Armstrong is in court today is that  
9 after the December, 1986 settlement Scientology continued to  
10 attack him by the publication and dissemination of lies about  
11 him, and its threats of litigation should he do anything to  
12 defend himself from these attacks. The Divine Reason Armstrong  
13 is in court is that God hardened the hearts of the Scientology  
14 leaders and allowed them to attack him with diabolic ruthlessness  
15 so that evil could be exposed and so that His Glory would be  
16 known.

17 Armstrong served an original set of 1400 special  
18 interrogatories concerning certain, relevant charges made by  
19 Scientology in its "dead agent" packs on August 3, 1994. This  
20 set was accompanied by a declaration of Armstrong's attorney,  
21 Ford Greene, stating the need for the information encompassed by  
22 the interrogatories pursuant to C.C.P. 2030. (Armstrong Decl. Ex.  
23 9).

24 Mr. Greene later agreed with Scientology to reduce the  
25 number of interrogatories. Armstrong served an amended set on  
26 Scientology on January 10, 1995, reducing the number of questions  
27

1 to 1150 and clarifying and simplifying the remaining questions.  
2 Mr. Greene also wrote to Scientology counsel at the time advising  
3 that "I am not repeating my declaration concerning the need for  
4 these special interrogatories, because the need and facts remain  
5 the same except for the reduced number of questions." (Armstrong  
6 Decl. Ex. 10)

7  
8 There was no meaningful attempt by Scientology to meet and  
9 confer regarding providing responses to the discovery Armstrong  
10 sought. There was only Scientology attorney Laurie Bartilson's  
11 letter of January 13, 1995 (Bartilson Ex. E) in which she  
12 threatened that if the interrogatories were not withdrawn she  
13 would seek a protective order and sanctions. And there were 2  
14 follow-up telephone calls to Mr. Greene reiterating the same  
15 threat.

16 **THE INFORMATION SOUGHT IS RELEVANT**

17 **TO ARMSTRONG'S DEFENSE IN THIS ACTION**

18 Scientology claims that its comments about Armstrong  
19 (whether they be true, untrue, black propaganda, spew of the  
20 devil or whatever) are irrelevant to its breach of contract  
21 action against him. Scientology further claims that Los Angeles  
22 Superior Court Judge David Horowitz "specifically removed from  
23 consideration in this action" such comments. This is false and a  
24 bad faith attempt to mislead the Court which now has this case.  
25 Judge Horowitz ruled in Armstrong's cross-complaint for breach of  
26 contract that "[t]here are no provisions in the Agreement  
27 prohibiting the Cross-Defendant from referring to Cross-

1 Complainant with the press or in legal pleadings or  
2 declarations." Judge Horowitz was not dealing with, nor  
3 commenting concerning, Armstrong defense to Scientology's  
4 lawsuit. Armstrong's amended answer herein contains forty-three  
5 affirmative defenses, none of which have been stricken. All of  
6 them go in some way to the basic demonic unfairness of  
7 Scientology being able to attack Armstrong in whatever way it  
8 chooses and his having to remain mute in the face thereof. See,  
9 e.g., Fifth Affirmative Defense "Illegality" (Armstrong Decl. Ex.  
10 11, p. 20), Seventh Affirmative Defense "Estoppel" (Armstrong  
11 Decl. Ex. 11, p. 26), Eighth Affirmative defense, "Waiver,"  
12 (Armstrong Decl. Ex. 11, p. 27).

13  
14 The settlement agreement only releases Scientology for acts  
15 it committed against Armstrong up to the date of the signing,  
16 i.e., December, 1986. It cannot and does not allow Scientology  
17 to say whatever it wants with impunity, and cannot and does not  
18 prohibit Armstrong from responding to such post-settlement acts.  
19 The only way Scientology could have guaranteed Armstrong's  
20 silence was to itself remain silent about him. Choosing instead  
21 to continue after the settlement to attack Armstrong in the  
22 media, courts and public with lies about his history actions  
23 before and after the settlement, it freed Armstrong to respond to  
24 correct the record, provide the truth concerning his history and  
25 actions, and defend himself. Scientology's interpretation of the  
26 "agreement" is un-American, unfair, unjust, unreasonable and  
27 unworkable.



1 preparation, approval and dissemination.

2 SCIENTOLOGY IS NOT ENTITLED

3 TO A PROTECTIVE ORDER

4 There is no other way to obtain the information sought by  
5 these interrogatories, nor no other source to go to that is more  
6 convenient, less burdensome or less expensive. C.C.P. 2019(b).  
7 Lynn Farny, the person Scientology presented as its  
8 representative in deposition, stated that he did not know who  
9 wrote the "dead agent" documents, nor to whom they were  
10 disseminated. See Farny deposition testimony, pp. 551-560,  
11 (Armstrong Decl., Ex. 8.)

12 The 1150 interrogatories are necessary to prevent  
13 Scientology from bobbing, weaving and not answering because the  
14 questions were not specific enough. Also they cover a huge  
15 number of fair game attacks by Scientology and a huge number of  
16 untrue charges. It is the great number of Scientology's lies and  
17 attacks which have necessitated the number of questions  
18 addressing them.

19 To take the deposition of every Scientology staff member or  
20 agent involved in the preparation and dissemination of the  
21 subject documents, even if Scientology honestly produced and did  
22 not hide them, would be far more burdensome and expensive than  
23 plaintiff's simply answering the interrogatories. C.C.P. 2019(b)  
24 Armstrong has no such resources.

25 On the other hand, there are many millions of dollars  
26 plaintiff is claiming in this action. Such a serious amount  
27



1 demands a serious effort on plaintiff's part to provide  
2 meaningful discovery to the target of its litigation. If, as  
3 plaintiff claims, the desired information could have been  
4 elicited with a few simple questions, the desired information  
5 could be provided with a few simple answers. Certainly most of  
6 the questions ask for one date or one name, which information is  
7 speedily writeable by plaintiff. Instead Scientology has taken  
8 up more time with its motion for a protective order than it would  
9 have taken to respond with sincerity, and still it has not  
10 answered one question. This is Scientology's standard litigation  
11 practice, well known in the legal arena. It should be stopped  
12 forthwith.

13 **ARMSTRONG AND HIS LAWYER SHOULD NOT BE SANCTIONED**

14 The information sought is directly relevant to this action.  
15 Armstrong did provide a declaration with the first set of  
16 specially prepared interrogatories, and his lawyer explained in a  
17 letter which accompanied the amended set that the earlier  
18 declaration was to be considered as applying to the amended set.  
19 Armstrong is not as Scientology charges, attempting "to avoid the  
20 consequences of his own actions." (Motion at. 8:7) It is  
21 Scientology which is attempting to avoid the consequences of its  
22 actions, by not answering the interrogatories, by not sincerely  
23 meeting and conferring, and by bringing this frivolous motion.  
24 It is Scientology which seeks to delay discovery, and which by  
25 this motion harasses its weaker litigation opponent.  
26 /

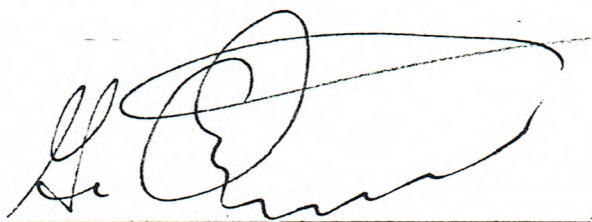
1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

CONCLUSION

For all these reasons, Armstrong requests that the Discovery Referee deny Scientology's motion for a protective order, deny its request for sanctions, and order it to fully and honestly answer the questions. Sanctions in the amount of \$450.00 should be assessed against Scientology.

DATED: March 2, 1995

Respectfully submitted



Gerald Armstrong

1 PROOF OF SERVICE

2 I am employed in the county of Marin, State of  
3 California. I am over the age of eighteen years and not a party  
4 to the above entitled action. My business address is 711 Sir  
5 Francis Drake Boulevard, San Anselmo, California 94960. I served  
6 the foregoing document(s) described as:

7 **ARMSTRONG'S OPPOSITION TO SCIENTOLOGY'S MOTION FOR**  
8 **PROTECTIVE ORDER AND SANCTIONS RE SPECIALLY PREPARED**  
9 **INTERROGATORIES; ARMSTRONG'S DECLARARTION IN OPPOSITION**  
10 **TO SCIENTOLOGY'S MOTION FOR PROTECTIVE ORDER AND**  
11 **SANCTIONS RE SPECIALLY PREPARED INTERROGATORIES**

12 on the following persons on the date set forth below, by placing  
13 a true copy thereof enclosed in a sealed envelope with postage  
14 thereon fully prepaid to be placed in the United States Mail at  
15 San Anselmo, California:

16 Laurie J. Bartilson, Esquire MAIL  
17 BOWLES & MOXON  
18 6255 Sunset Boulevard, Suite 2000  
19 Los Angeles, CA 90028

20 Michael L. Walton, Esquire MAIL  
21 P.O. Box 751  
22 San Anselmo, CA 94979

23 [X] (By Mail) I caused such envelope with postage thereon  
24 fully prepaid to be placed in the United  
25 States Mail at San Anselmo, California.

26 [ ] (Personal) I caused said papers to be personally served  
27 on the office of counsel.

28 [X] (State) I declare under the penalty of perjury under  
the laws of the State of California that the  
above is true and correct.

DATED: March 2, 1995

---



FILED

MAR 02 1995

HOWARD HANSON  
MARIN COUNTY CLERK  
BY: E. Keswick Deputy

1 Gerald Armstrong  
2 715 Sir Francis Drake Boulevard  
3 San Anselmo, CA 94960  
4 (415)456-8450

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
6 FOR THE COUNTY OF MARIN

7 CHURCH OF SCIENTOLOGY INTERNATIONAL, )  
8 a California not-for-profit )  
9 religious corporation, )

10 Plaintiff,

11 vs.

12 GERALD ARMSTRONG; MICHAEL WALTON; )  
13 THE GERALD ARMSTRONG CORPORATION )  
14 a California for-profit )  
15 corporation; DOES 1 through 100, )  
16 inclusive, )

17 Defendants.

No. 157 680

ARMSTRONG'S DECLARATION  
IN OPPOSITION TO  
SCIENTOLOGY'S MOTION  
FOR PROTECTIVE ORDER  
AND SANCTIONS RE  
SPECIALLY PREPARED  
INTERROGATORIES

Date: 3/9/95  
Time: 10:00 a.m.  
Dept: Referee  
Trial Date: 5/18/95

18  
19  
20 VOLUME I  
21  
22  
23  
24  
25  
26  
27  
28

1 Gerald Armstrong  
2 715 Sir Francis Drake Boulevard  
3 San Anselmo, CA 94960  
4 (415)456-8450

5 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
6 FOR THE COUNTY OF MARIN

7 CHURCH OF SCIENTOLOGY INTERNATIONAL, ) No. 157 680  
8 a California not-for-profit )  
9 religious corporation, ) **ARMSTRONG'S DECLARATION**  
10 ) **IN OPPOSITION TO**  
11 Plaintiff, ) **SCIENTOLOGY'S MOTION**  
12 vs. ) **FOR PROTECTIVE ORDER**  
13 ) **AND SANCTIONS RE**  
14 ) **SPECIALLY PREPARED**  
15 ) **INTERROGATORIES**  
16 GERALD ARMSTRONG; MICHAEL WALTON; )  
17 THE GERALD ARMSTRONG CORPORATION )  
18 a California for-profit )  
19 corporation; DOES 1 through 100, )  
20 inclusive, )  
21 )  
22 Defendants. )  
23 ) Date: 3/9/95  
24 ) Time: 10:00 a.m.  
25 ) Dept: Referee  
26 ) Trial Date: 5/18/95

27 **DECLARATION OF GERALD ARMSTRONG**

28 I, Gerald Armstrong, declare:

1. I have personal knowledge of the facts set forth in this declaration and could competently testify thereto if called as a witness.
2. Appended hereto as Exhibit 1 is a true and correct copy of a declaration I executed March 15, 1990 and filed in Scientology's appeal No. B025920 from the judgment in my favor in the case of Scientology v. Armstrong LASC No. C420153. Appended to this declaration of true and correct copies of certain exhibits which were appended to the original declaration.
3. Appended hereto as Exhibit 2 is a true and correct copy

1 of a declaration I executed December 25, 1990 and filed in  
2 Scientology's appeal No. B025920 and B038975. Appended to this  
3 declaration of true and correct copies of certain exhibits which  
4 were appended to the original declaration.

5  
6 4. Appended hereto as Exhibit 3 is a true and correct copy  
7 of a declaration I executed March 16, 1992 and filed in the  
8 instant case in opposition to a motion for preliminary  
9 injunction. Appended to this declaration of true and correct  
10 copies of certain exhibits which were appended to the original  
11 declaration.

12 5. Appended hereto 4 is a true and correct copy of an  
13 excerpt of a declaration executed February 8, 1994 by David  
14 Miscavige and filed in the case of Scientology v. Geertz, US  
15 District Court for the Central District of California, Case No.  
16 CV 91-6426 HLH(tx).

17 6. Appended hereto as Exhibit 5 is a true and correct copy  
18 of a declaration I executed February 22, 1994 and filed in  
19 Geertz.

20 7. Appended hereto as Exhibit 6 is a true and correct copy  
21 of an excerpt from Religious Technology Center Executive  
22 Directive No. 45 dated September 6, 1991 and written by David  
23 Miscavige.

24 8. Appended hereto as Exhibit 7 is a true and correct copy  
25 of the "dead agent" documents produced by Scientology in this  
26 litigation which are the subject of the special interrogatories I  
27 propounded, and concerning which Scientology now seeks a

1 protective order.

2 9. Appended hereto as Exhibit 8 is a true and correct copy  
3 of an excerpt of the deposition testimony of Scientology  
4 representative Lynn Farny taken in this case July 27, 1994.  
5

6 10. Appended hereto as Exhibit 9 is a true and correct copy  
7 of a declaration executed August 1, 1994 by Ford Greene in  
8 support of Gerald Armstrong's specially prepared interrogatories.

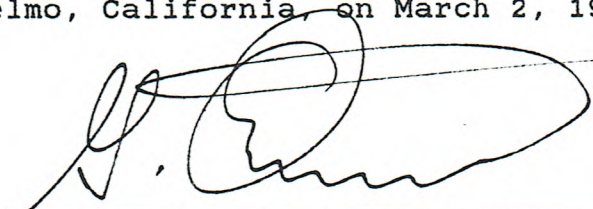
9 11. Appended hereto as Exhibit 10 is a true and correct  
10 copy a letter dated January 10, 1995 from Ford Greene to Laurie  
11 Bartilson.

12 12. Appended hereto as Exhibit 11 is a true and correct  
13 copy of excerpted pages from my Amended Answer to Scientology's  
14 Amended Complaint herein.

15 13. Since the December, 1986 settlement I have become aware  
16 of Scientology agents providing documents and statements  
17 concerning its intelligence operations against me in which it  
18 claims I wanted to overthrow its organization to many media  
19 entities including the London Sunday Times, Los Angeles Times,  
20 Premiere magazine, Los Angeles magazine, American Lawyer and  
21 California Lawyer.

22 I declare under the penalty of perjury under the laws of the  
23 State of California that the foregoing is true and correct.

24 Executed at San Anselmo, California, on March 2, 1995

25 

26  
27 GERALD ARMSTRONG